

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dwayne A. Horvath

Date: October 8, 2010

Serial No. : 10/763,906

Group Art Unit 3715

Filed : January 23, 2004

Confirmation No. 7751

For : SIMULATED EDGED WEAPON OR TOY WITH ELEMENT
ACTUATED INDICATING DEVICE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The U.S. Patent and Trademark Office issued a Notice of Allowance dated July 9, 2010, on the above-identified patent application. In the Notice, the Examiner allowed claims 61-95. The Examiner also paraphrased the claimed invention as part of the stated reasons for allowance. Applicant agrees with the Examiner's conclusions regarding the patentability of the allowed claims, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, applicant believes that the application is allowable because the prior art fails to teach or suggest the invention as claimed, independent of how the invention is paraphrased.

Please contact the undersigned regarding any questions or comments, or if a telephone call would expedite issuance of the patent.

CERTIFICATE OF E-FILING

I hereby certify that this correspondence is being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on October 8, 2010.

/Heidi Dutro/
Heidi Dutro

Respectfully submitted,

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